

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Tr.P(C).No. 58 of 2007()

OP.1423/2006 of FAMILY COURT,THRISSUR

PETITIONER

**INDIRA.V.V., AGED 36 YEARS,
DAUGHTER OF LATE MR.BALAN, VIRUTHISSERY VAYAL,
PUTHIYANGADI P.O., PUTHIYANGADI,
KOZHIKODE.**

BY ADV. SRI.JACOB ABRAHAM

RESPONDENTS:

**A.K.KOCHUKRISHNAN, AGED 51 YEARS,
SON OF KOTHAYI, ATHIYARATHU VEEDU,
THALAPPILLY TALUK, KATTAKAMBAL P.O.,
THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

**ORDER ON I.A. 618 OF 2007
IN
Tr.P.C. NO.58 OF 2007**

DISMISSED

31/5/07

SD/- M.N. KRISHNAN, JUDGE.

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.
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Tr.P.C. NO. 58 OF 2007
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Dated this the 31st day of May, 2007.

J U D G M E N T

This application is filed to transfer O.P.1423/06 pending before the Family Court, Thrissur to be transferred to Family Court, Kozhikode. The wife has filed the petition for transfer and it is averred that she has got two children and the husband is not looking after her and therefore the daughter has filed an application for maintenance and it is pending before the Family Court, Kozhikode. It is also alleged that the Family Court, Kozhikode is only 5 km. away from her residence whereas the Family Court, Thrissur is 100 km. away and there is nobody to accompany her and it will be very difficult for her to go to a place where she has no previous acquaintance. Therefore, the prayer for transfer is made.

It is opposed by the other side on the ground that the petitioner has got a son in her first marriage and he is in the habit of threatening the father, i.e., the husband and that has paved

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the way for the break down of marriage. Taking into consideration the entire facts and circumstances of the case and also the fact that the petitioner is a lady with a small daughter aged 11 years who will not be able to come to the Court of her own, I direct transfer of O.P.1423/06 pending before the Family Court, Thrissur to Family Court, Kozhikode. But the petitioner is directed not to take her son in the first marriage to the Family Court in order to avoid threat apprehended by the husband namely the petitioner in O.P.1423/06.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-